

REMARKS

Claims 1-3, 6-21, and 36 were pending at the time of the last office action. Applicant has amended claims 1, 14, and 36 and has neither canceled or presented any new claims. Thus, claims 1-3, 6-21, and 36 are still pending.

The Examiner has rejected claims 1-3 and 6-13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and, second paragraph, as being indefinite. Applicant has amended these claims to correct a minor typographical error.

The Examiner has rejected claim 36 under 35 U.S.C. § 112, second paragraph, as being indefinite, and under 35 U.S.C. § 103(a) as being unpatentable over Briscoe, Frankel or Hauser, and Wrona. Applicant has amended claim 36 as suggested by the Examiner. Applicant thanks the Examiner for indicating that claim 36 would be allowable over the prior art with the suggested amendment.

The Examiner has rejected claims 1-3, 6, 7, 11, and 14-18 under 35 U.S.C. § 103(a) as being unpatentable over Briscoe, Frankel or Hauser, and Wrona. Applicant respectfully traverses these rejections.

The Examiner takes the position that applicant argues

Briscoe fails to disclose that the service provider provides an indication of the number of services in a billing unit to either a service consumer (as recited in claim 1) or a service intermediary (as recited in claim 14). However, this difference (**the indication of the number of services in a billing unit**) is only found in the nonfunctional descriptive material and does not affect how the claimed invention functions (i.e., the descriptive material does not have any claimed function in the method). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

(Office Action, April 28, 2010, p. 11.) Applicant respectfully disagrees. Independent claim 1 recites "generating by the processor a sequence of codes from the start code to

an end code, the number of codes in the sequence corresponding to the number of services within the billing unit as specified by the service provider.” Claim 1 thus recites that the number of services within a billing unit is used to control the number of codes from the start code to the end code. Independent claim 14 recites “for the number of services within a billing unit” the “receiving” and “verifying” are performed. Claim 14 thus recites that the number of services is used to control the number of times the receiving and verifying are performed. Clearly, the number of services controls the functioning of how many codes are generated in claim 1 and how many times the receiving and verifying are performed in claim 14.

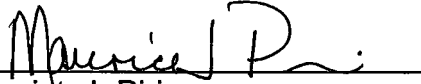
The Examiner has rejected claims 1-3, 6, 7, 11, 14-18, and 36 based on nonstatutory obviousness-type double patenting over claims 1-15 of U.S. Patent No. 7,577,990. Applicant respectfully traverses this rejection. Each independent claim positively recites that number of services within a billing unit is used to control some function within the claims as discussed above for independent claims 1 and 14. Independent claim 36 recites “generate a sequence of codes from the start code to an end code, the number of codes in the sequence corresponding to the number of services within the billing unit as specified by the service provider computer,” which like claim 1 is a positive recitation of how many codes are generated. Since none of the claims in the ‘990 patent recite billing units, they do not recite that number of services within a billing unit controls how many times a function is performed.

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 418268003US from which the undersigned is authorized to draw.

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Respectfully submitted,

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